

### REMARKS

This Amendment is fully responsive to the final Office Action dated May 12, 2009 and the Advisory Action dated July 21, 2009, issued in connection with the above-identified application. A request for consideration (RCE) accompanies this Amendment. Claims 28-40 are pending in the present application. With this Amendment, claims 28, 30-35 and 37-39 have been amended and claims 29, 36 and 40 have been canceled without prejudice or disclaimer to the subject matter therein. Favorable reconsideration is respectfully requested.

In the Office Action dated May 12, 2009, claims 28, 29, 34, 36 and 37 were rejected under 35 U.S.C. 103(a) as being anticipated by Lee et al. (U.S. Patent No. 5,921,095, hereafter "Lee") in view of Viegas (U.S. Patent No. 6,062,030, hereafter "Viegas"). The above rejections were also maintained in the Advisory Action dated July 21, 2009. In particular, in the Advisory Action, the Examiner alleges that the Applicants (in the response dated July 8, 2009) provided arguments directed to "a plurality of refrigerating specification" for both a refrigerator and a freezer, but these features were not specifically recited in the claims.

In this Amendment, claims 29 and 36 have been canceled thereby rendering the above rejection to those claims moot. Additionally, the Applicants have amended independent claim 28 to point out that the refrigerating unit of the present invention includes refrigerating performance conformable to a plurality of refrigerating specifications, which includes refrigerating specifications for refrigeration and refrigerating specifications for freezing. The remaining claims in the present application have been amended to be consistent with the amendments made to independent claim 28. In other words, the features noted in the Advisory Action by the Examiner are now specifically recited in the claims.

For example, independent claim 28 (as amended) recites the following features:

"[a] refrigerating storage cabinet comprising:

a heat insulating housing;

a refrigerating unit that includes a compressor, a condenser, an expanding mechanism, and an evaporator, said refrigerating unit having refrigerating performance conformable to a plurality of refrigerating specifications including a refrigerating specification for refrigeration and

a refrigerating specification for freezing; and

a control unit having a data storage location, said control unit being configured to select one of said plurality of refrigerating specifications and to control operation of said refrigerating unit in accordance with the selected one of said plurality of refrigerating specifications;

wherein the data storage location stores a plurality of refrigerating characteristics corresponding to said plurality of refrigerating specifications, each of said plurality of refrigerating characteristics being indicative of a time-varying change mode of dropping of a physical amount associated with refrigeration, the physical amount including an internal temperature of said heat insulating housing; and

said control unit controls operation of said refrigerating unit so that the physical amount is reduced in accordance with one of said plurality of refrigeration characteristics that corresponds to the selected one of said plurality of refrigerating specifications.” (Emphasis added).

The features noted above in claim 28 are fully supported by the Applicants’ disclosure (see e.g., ¶ [0018]).

The present invention (as recited in independent claim 28) is directed to a refrigerating unit that can be constructed to meet a plurality of refrigerating specifications so that the refrigerating unit can be used as a refrigerating unit or freezing unit. Specifically, the control unit controls operation of the refrigerating unit based on stored programs so that the refrigerating unit can be provided as a common refrigerating unit with a common control unit that provides a dual function of a refrigerating unit or a freezing unit.

In the Office Action, the Examiner relies on Lee and Viegas for disclosing or suggesting all the features recited in independent claim 28. As noted above, the Applicants have amended independent claim 28 to point out that the refrigerating unit of the present invention includes refrigerating performance conformable to a plurality of refrigerating specifications, which includes refrigerating specifications for refrigeration and refrigerating specifications for freezing.

The above features of the present invention are not believed to be disclosed or suggested by the cited prior art.

Lee (at col. 6, lines 16-24) discloses an expandable type refrigerator that includes a plurality of refrigerating units coupled together. The plurality of refrigerating units can include a refrigerating unit and a freezing unit. However, the refrigerating unit and the freezing unit are constructed independently based on a required performance (see also col. 4, lines 25-30). Therefore, the refrigeration unit disclosed by Lee differs in construction from the refrigeration unit of present invention (as recited in independent claim 28).

Lee fails to disclose or suggest a common refrigerating unit that can be used as a refrigerating unit or a freezing unit. Further, the expandable type refrigerator disclosed by Lee includes one micro-controller that controls the plurality of refrigerating units (see col. 7, lines 11-18). In contrast, according to the present invention, a plurality of refrigerating units may be controlled by respective control units.

Based on the above discussion, the present invention (as recited in independent claim 28) is clearly distinguished from Lee. Moreover, Viegas fails to overcome the deficiencies noted above in Lee. Accordingly, no combination of Lee and Viegas would result in, or otherwise render obvious, independent claim 28. Likewise, no combination of Lee and Viegas would result in, or otherwise render obvious, claims 34 and 37 at least by virtue of their dependencies from independent claim 28.

In the Office Action, claims 30-35 and 38-40 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Viegas, and further in view of Valence et al. (U.S. Patent No. 5,600,966, hereafter "Valence").

Claim 40 has been canceled thereby rendering the above rejection to that claim moot. Additionally, claims 30-35 and 38-40 depend from independent claim 28. As noted above, Lee in view of Viegas fails to disclose or suggest all the features recited in independent claim 28. Additionally, Valence fails to overcome the deficiencies noted above in Lee and Viegas. Accordingly, no combination of Lee, Viegas and Valence would result in, or otherwise render obvious, claims 30-35, 38 and 39 at least by virtue of their dependencies from independent claim 28.

In light of the above, the Applicants respectfully submit that all the pending claims are

patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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